

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010  
Chapter 11 – Subchapter V

Red River Subs, Inc.,  
dba Erbert and Gerbert's – Fargo,  
dba Erbert and Gerbert's – Bismarck,  
dba Erbert and Gerbert's – Moorhead,

Debtor.

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**ORDER GRANTING MOTION FOR LEAVE TO PAY  
CERTAIN PREPETITION EMPLOYEE WAGES**

Debtor Red River Subs, Inc. filed a Motion for Leave to Pay Certain Prepetition Employee Wages. Doc. 5. In the motion, Debtor seeks Court authority to pay the prepetition wages of all employees (except Debtor's equity holder) consistent with Debtor's normal payroll practices. More specifically, Debtor seeks to pay wages earned and withhold tax and other deductions for the period of January 9, 2024, through January 13, 2024. On January 19, 2024, the Court held a preliminary hearing on the motion. The Court received no objections at the hearing. The Court received no written objections.

For the reasons stated on the record and based on the motion and evidence received at the hearing, the Court finds cause for granting the relief Debtor seeks. Specifically, the Court finds that paying the prepetition wages listed in Debtor's motion is necessary to protect and preserve the bankruptcy estate, critical to the continued operation of Debtor's businesses, and in the best interests of Debtor's estate, its creditors, and other parties in interest. It also finds that payment of the prepetition

wages listed in the motion is necessary to avoid immediate and irreparable harm.

Therefore,

**IT IS ORDERED** that Debtor's Motion for Leave to Pay Certain Prepetition Employee Wages is granted. The final hearing on this motion scheduled for February 9, 2024, is cancelled.

1. Debtor is authorized to pay the estimated pre-petition wages of all non-insider employees listed in the motion, except that no payments to any employee shall exceed the \$15,150 statutory cap provided for under section 507(a)(4) of the Bankruptcy Code.

2. Debtor is also authorized to pay and remit withholding, including social security, FICA, federal and state income taxes, garnishments, and other deductions.

Dated: February 8, 2024.



SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT